

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PRECIOUS FULLER,

Plaintiff,

Case No. 16-cv-11833

v.

Honorable Denise Page Hood

HAMILTON CLINIC,

Mag. Judge David R. Grand

Defendant.

**ORDER SUBSTITUTING THE UNITED STATES AS DEFENDANT,
DISMISSING HAMILTON CLINIC AS DEFENDANT, SETTING ASIDE
ENTRY OF DEFAULT AND SETTING AGREED DATE TO RESPOND TO
COMPLAINT**

The Court, having reviewed the Parties' stipulation and having considered the grounds therein does hereby find good cause exists to find and order the following:

WHEREAS, the Parties stipulate that pursuant to 28 U.S.C. § 2679, the United States is the proper defendant in this case; and

WHEREAS, the Parties also stipulate that the United States should be substituted as the party defendant for Hamilton Clinic and that Hamilton Clinic should be dismissed with prejudice, and the caption adjusted accordingly; and

WHEREAS, the clerk of this Court entered a default against Hamilton Clinic on June 30, 2016 (Dkt. 7); and

WHEREAS, this Court may set aside a default for good cause shown if a default was invalid, such as when service of process had not been properly effected; and

WHEREAS, the Parties stipulate that the United States is the proper defendant in this case and that service of process has not been properly effected against the United States; and

WHEREAS, the Parties request that the Court set aside the entry of default for good cause shown, and Plaintiff further agrees and stipulates to withdraw her motion for entry of default judgment (Dkt. 11), and the United States Attorney for the Eastern District of Michigan agrees to accept service of the complaint;

WHEREAS, in accordance with the stipulation of the Parties,

IT IS HEREBY ORDERED that:

1. The United States is substituted as the party defendant for Hamilton Clinic, Hamilton Clinic is dismissed with prejudice, and the caption shall be adjusted accordingly. All future pleadings should reflect this change.
2. The default entered against Hamilton Clinic on June 30, 2016 (Dkt. 7) is set aside for good cause because service of process was not properly effected against the proper defendant, the United States. Plaintiff's motion for entry of default judgment (Dkt. 11) is moot.
3. The United States will be deemed properly served with Plaintiff's

complaint upon entry of this Order.

4. The United States will have 60 days from entry of this Order to respond to Plaintiff's complaint.

IT IS SO ORDERED.

Dated: July 20, 2016

s/Denise Page Hood
Chief, U.S. District Court

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 20, 2016, by electronic and/or ordinary mail.

s/LaShawn R. Saulsberry
Case Manager